



In the Matter of Disaster Recovery
and Mitigation Division, Department
of Community Affairs

CSC Docket No. 2021-1790

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION**

Request for Unclassified Appointments

ISSUED: JUNE 7, 2021 (ACM)

The Department of Community Affairs (DCA) requests that the Civil Service Commission (Commission) extend the September 30, 2022 deadline established in *In the Matter of Interim Disaster Recovery Division* (CSC, decided January 18, 2017), to make temporary unclassified appointments to various career service titles to staff the Disaster Recovery and Mitigation Division.

By way of background, in *Interim Disaster Recover Division, supra*, the Commission extended its approval for temporary unclassified appointments to be made to various career service titles in the interim Disaster Recovery Division, so the necessary personnel could be appointed to appropriate job classifications. *See In the Matter of Interim Disaster Recovery Division* (CSC, decided April 17, 2013). The DCA had been designated to administer \$1.8 billion in federal funds allocated to New Jersey to rebuild homes, businesses, and infrastructure impacted by Superstorm Sandy. Approval to extend the expenditure deadline initially established by the United States Department of Housing and Development (HUD) to September 30, 2022 was approved and the Commission thereafter extended its approval for use of the unclassified appointments to that same date.

In its current request, the DCA states that the Disaster Recovery and Mitigation Division, formerly named the interim Disaster Recovery Division (Sandy Recovery Division), was recently designated by the Governor’s Office to oversee and provide grant management to more than \$6 billion the State has received under the American Rescue Plan Act. The DCA explains that the Disaster Recovery and Mitigation Division was identified for this purpose given the infrastructure and

personnel already in place performing similar tasks related to Superstorm Sandy. Though the tasks are similar in nature, the workload will increase significantly. DCA states to be able to handle the increased workload, the division will require additional staff. Moreover, existing staff will be assigned to responsibilities for both Superstorm Sandy and the American Rescue Plan Act. The United States Treasury has issued initial guidance indicating the State will have to the end of 2026 to complete projects funded with the approximately \$6 billion allocation through the American Rescue Plan Act.

Additionally, the DCA explains that it is working with the Governor's Office and New Jersey's Congressional delegation to extend the federally imposed expenditure deadline for the Superstorm Sandy funds until September 2025. Regardless if the federal deadline is extended, the expenditure marks the beginning of a lengthy closeout process conducted in partnership with HUD, which the division must show that all administrative and program requirements have been met. Thus, the DCA states that to complete this closeout with no penalty to the State, there will be a continued need to maintain the personnel with institutional knowledge to phase down the closeout programs. Further, the division has undertaken additional responsibilities beyond the administration of the funds received because of Superstorm Sandy. For example, the division has received \$5 million in federal funds to begin elevating homes in Fairfield, Essex County. The deadline for this project is May 29, 2023. As such, the DCA requests to extend the current deadline of existing unclassified appointments, as well as any other titles needed to staff positions to accommodate the increased workload because of the receipt of grant funds under the American Rescue Plan Act, in its interim Disaster Recovery and Mitigation Division until December 31, 2026.

CONCLUSION

In the present matter, the DCA explains that its Disaster Recovery and Mitigation Division was identified to administer a grant of more than \$6 billion the State has received under the American Rescue Plan Act. The United States Treasury has issued initial guidance indicating the State will have to the end of 2026 to complete projects funded with the grant. The Disaster Recovery and Mitigation Division has the infrastructure and personnel already in place performing similar tasks related to Superstorm Sandy. To be able to handle the increased workload, the division will require additional staff. Moreover, existing staff will be assigned to responsibilities for both Superstorm Sandy and the American Rescue Plan Act. Based on the forgoing and given the long term, challenging nature of disaster recovery as evidenced by continued grant appropriations to resolve these matters, and the anticipated phase down by December 31, 2026, the Commission finds that it would not be practicable to make permanent appointments to positions and titles utilized by the Disaster Recovery and Mitigation Division. Therefore, it is appropriate to extend the current deadline of existing unclassified appointments, as

well as any other titles needed to staff positions until December 31, 2026. However, the DCA is reminded to ensure that all the appointees to positions within its interim Disaster Recovery and Mitigation Division are advised that their appointments are in the unclassified service and that they are not entitled to the tenure protections provided under Civil Service law and rules.

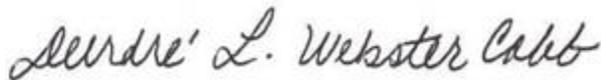
Finally, the Division of Agency Services is authorized to review and approve future requests that may occur for unclassified appointments to career service titles, as it deems appropriate for the DCA, to assist in the staffing efforts for disaster recovery.

ORDER

Therefore, it is ordered that this request be granted and that any titles needed to staff positions in the Department of Community Affairs' Disaster Recovery and Mitigation Division be designated as unclassified. The Department of Community Affairs is to ensure that all the appointees to positions within its Disaster Recovery and Mitigation Division are advised that their appointments are unclassified and that they will not be entitled to the tenure protections of Civil Service law and rules.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF JUNE, 2021



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